



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY



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LINDA S. ADAMS
SECRETARY FOR
ENVIRONMENTAL PROTECTION

ARNOLD SCHWARZENEGGER
GOVERNOR

Certified Mail: 7003 1680 0000 6167 9392

July 21, 2010

Mr. Jerry Sipe, Director
Plumas County Environmental Health
270 County Hospital Road, Room 127
Quincy, California 95971

Dear Mr. Sipe:

The California Environmental Protection Agency (Cal/EPA), California Emergency Management Agency, and the State Water Resources Control Board conducted a program evaluation of the Plumas County Environmental Health Certified Unified Program Agency (CUPA) on May 25 and 26, 2010. The evaluation was comprised of an in-office program review and field oversight inspections by State evaluators. The evaluators completed a Certified Unified Program Agency Evaluation Summary of Findings with your agency's program management staff. The Summary of Findings includes identified deficiencies, a list of preliminary corrective actions, program observations, program recommendations, and examples of outstanding program implementation.

The enclosed Evaluation Summary of Findings is now considered final and based upon review, I find that Plumas County Environmental Health program is satisfactory with some improvement needed. To complete the evaluation process, please submit Deficiency Progress Reports to Cal/EPA that depict your agency's progress towards correcting the identified deficiencies. Please submit your Deficiency Progress Reports to Kareem Taylor every 90 days after the evaluation date; the first report is due on August 24, 2010.

Cal/EPA also noted during this evaluation that Plumas County Environmental Health has worked to bring about a number of local program innovations, including a joint emergency response exercise that local government agencies and private industry participated in. We will be sharing these innovations with the larger CUPA community through the Cal/EPA Unified Program website to help foster a sharing of such ideas statewide.

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Thank you for your continued commitment to the protection of public health and the environment through the implementation of your local Unified Program. If you have any questions or need further assistance, you may contact your evaluation team leader or Jim Bohon, Manager, Cal/EPA Unified Program at (916) 327-5097 or by email at jbohon@calepa.ca.gov.

Sincerely,

[Original signed by Don Johnson]

Don Johnson
Assistant Secretary
California Environmental Protection Agency

Enclosure

cc: Sent via email:

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CUPA Manager
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Mr. Jerry Sipe, Director
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CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

Enclosure



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CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION SUMMARY OF FINDINGS

CUPA: Plumas County Environmental Health

Evaluation Date: May 25 – 26, 2010

EVALUATION TEAM

Cal/EPA: Kareem Taylor

SWRCB: Sean Farrow

Cal EMA: Jack Harrah

This Evaluation Summary of Findings includes the deficiencies identified during the evaluation, program observations and recommendations, and examples of outstanding program implementation activities. The evaluation findings are preliminary and subject to change upon review by state agency and CUPA management. Questions or comments can be directed to Kareem Taylor at (916) 327-9557.

	<u>Deficiency</u>	<u>Preliminary Corrective Action</u>
1	The CUPA has not annually reviewed its Inspection and Enforcement (I and E) Plan and updated it as needed since 2004. CCR, Title 27, Section 15200 (b) (Cal/EPA)	By August 26, 2010, and annually thereafter, the CUPA will review its I and E Plan and update it if necessary.
2	The CUPA has not inspected every stationary source subject to the California Accidental Release Prevention (CalARP) program within the past three years. HSC, Chapter 6.95, Section 25537 (Cal EMA)	By May 26, 2011, the CUPA must inspect both of the existing stationary sources subject to the CalARP program.
3	The CUPA has not performed the annual CalARP program performance audit. CCR, Title 19, Section 2780.5 (b) (Cal EMA)	By November 26, 2010, the CUPA must complete and submit a CalARP performance audit. The CUPA may incorporate the CalARP performance audit into the annual Title 27 self-audit. The CUPA must ensure that all eight of the elements of 19 CCR 2780.5 (b) are addressed even if the answer is “no” or “none.”
4	The CUPA’s 2009 area plan does not include a reporting form. CCR, Title 19, Section 2720 (d) (Cal EMA)	By August 26, 2010, the CUPA will complete an area plan reporting form and submit a copy of the form to Cal/EPA.
5	The CUPA’s “Procedure for Forwarding HMMRP Information” states that business plan information is to be	By August 26, 2010, the CUPA must bring the procedure into compliance with

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	forwarded within 30 days of receipt and confirmation rather than the statutory timeframe of 15 days. HSC, Chapter 6.95, Section 25509.2 (a)(3) (Cal EMA)	the Health and Safety Code, section 25509.2.
6	The CUPA does not publish initial public notices when Risk Management Plans (RMP) have been received. CCR, Title 19, Section 2745.2 (a)(2) (Cal EMA)	By August 26, 2010, the CUPA will publish initial public notices in a local newspaper of general circulation when RMPs are received and ready for CUPA and public review.
7	The CUPA is not ensuring that all UST facilities have current Financial Responsibility forms prior to renewing operating permits. The files reviewed were either lacking up-to-date Financial Responsibility forms or the forms were not present. CCR, Title 27, Section 15185 (a)(i) (SWRCB) HSC, Chapter 6.75, Section 25299.33 (b) CCR, Title 23, Chapter 18, Section 2809 HSC, Chapter 6.7, Section 25292.2	Immediately, the CUPA will identify UST facilities that need current Financial Responsibility. As permit renewals become due, the CUPA will collect and review Financial Responsibility prior to renewing UST operating permits. Along with the first progress report, the CUPA will submit to Cal/EPA three copies of current UST facility permits along with the corresponding Financial Responsibility forms. By May 26, 2011, all UST facilities with current permits will also have current Financial Responsibility forms.
8	The CUPA is not requiring the new Unified Program Consolidated Forms (UPCFs) A, B, and D to be completed for permit renewals. The new forms became effective January 2008 as part of the California Code of Regulations Title 27 and Title 23 revisions. The file review indicated that the UST UPCFs are outdated. CCR, Title 27, Section 15185 (a) (SWRCB)	Immediately, the CUPA will start collecting all the required UST data elements. By November 26, 2010, the CUPA will submit to Cal/EPA a copy of the new UPCFs A, B, and D completed by three facilities. By May 26, 2011, all UST facilities will have completed the new UPCFs A, B, and D.
9	Even though Red Tag is used on UST facilities by the CUPA for formal enforcement the Red Tag enforcement option is not included in the CUPA's I and E Plan. CCR, Title 27, Section 15200 (a)(6) (SWRCB)	By August 26, 2010, the CUPA will add the Red Tag option to its I and E Plan. The plan should clearly identify how and when the Red Tag option will be used. Ensure that all UST enforcement options are included into the I and E Plan.

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CUPA Representative

Jim Perez
(Print Name)

Original Signed
(Signature)

Evaluation Team Leader

Kareem Taylor
(Print Name)

Original Signed
(Signature)

PROGRAM OBSERVATIONS AND RECOMMENDATIONS

The observations and recommendations provided in this section address activities the CUPA are implementing and/or may include areas for continuous improvement not specifically required of the CUPA by regulation or statute.

- 1. Observation:** Currently, the CUPA is using Envision and Microsoft Excel to manage Unified Program information. Envision is primarily used for time accounting, billing, and permit generation. Microsoft Excel is used to manage the fee accountability program, business plan information, and Annual Summary Report data. I and E data is populated manually by clerical staff as changes arise; however, if an entry error ever occurs, clerical staff would need to review all of the facility files in order to correct the information. The CUPA plans to upgrade Envision to Envision Connect within the next couple of months so that management of Unified Program information in both Envision and Microsoft Excel can be consolidated into one database and include the management of all UPCFs and inspection and enforcement information. The upgrade to Envision Connect will solve many of the problems inherent with operating two data management systems such as duplication and the lack of an effective query function to locate specific data.

Recommendation: No recommendation needed.

- 2. Observation:** The CUPA is beginning to develop a plan to transition to full electronic reporting per AB 2286. The CUPA proposes to upgrade their current Envision database to Envision Connect not only to consolidate their current data management process, but also to report/exchange UPCF data with the California Electronic Reporting System (CERS). The CUPA plans to hold electronic reporting workshops to inform the regulated community of the requirements and to get some feedback on the UPCF data entry process. The CUPA will determine whether or not staff will enter submitted hardcopy information into Envision Connect for the regulated community on a permanent basis. The CUPA may compel its regulated community to enter their data directly into a web portal or some other link to CERS, but this option seems unlikely as the CUPA has expressed concerns about owner/operators ability to access and/or operate a computer to enter UPCF information. The CUPA intends to review the electronic reporting implementation of other rural counties that use Envision Connect so that they may institute an electronic reporting system that contains fewer problems to solve.

Recommendation: Cal/EPA recommends that the CUPA continue the development of its electronic reporting transition plan. This plan must be completed along with the electronic reporting grant application package in order to be considered for approval to receive electronic reporting grant money.

- 3. Observation:** Cal EMA participated in a business plan oversight inspection on May 24, 2010. The CUPA inspector was thorough and professional, covered all elements of the business plan program, and other elements of the Unified Program (waste generation and universal waste). The inspector took time to explain to the handler what the steps in the inspection process were, and answered questions to the handler's satisfaction.

Recommendation: None.

- 4. Observation:** The CUPA's area plan was revised in September 2009, and is compliant with the pesticide drift requirements of SB 391.

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Recommendation: None.

- 5. Observation:** The CUPA's UST inspection report does not distinguish among Class I, Class II, and minor violations and does not identify Significant Operational Compliance (SOC) items or provide for a summary of these items for tracking purposes during the annual compliance inspection.

Recommendation: The SWRCB recommends that the CUPA modify its UST inspection report so that each violation can be classified separately to distinguish between enforcement modes for Class I, Class II and minor violations and provide a means for determining SOC during the inspection. Classification of the violations and SOC criteria will assist in reporting information on the Annual Enforcement Summary Reports.

- 6. Observation:** Although the CUPA gains compliance for violations noted during UST inspections, the return to compliance timeframe for some facilities is too long.

Recommendation: The SWRCB recommends that the CUPA consider using other methods to bring compliance sooner such as issuing Red Tags or implementing the AEO process.

- 7. Observation:** The CUPA's UST inspection report form does not provide a place to note an owner's or facility representative's consent to inspect the facility.

Recommendation: The SWRCB recommends that the CUPA add a section on all inspection reports where consent to an inspection may be noted. This recommendation is based on the "Inspection Report Writing Guidance for UPA's" dated 3-21-05. This document is available upon request and can be found at <http://calepa.ca.gov/CUPA/Documents/2005/InspectionRpt.pdf>

- 8. Observation:** The CUPA UST inspector conducted the UST oversight inspections in a thorough and professional manner. His attention to detail and knowledge of code and regulations resulted in excellent inspections. The UST inspector seemed to have a good working relationship with both the facility owners and the technicians performing the monitoring certifications and secondary containment testing. The inspector cited some violations at the facilities and addressed them in a timely manner.

Recommendation: None

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EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

- 1. Emergency Response:** On May 18, 2010, the CUPA, in conjunction with the Plumas County Office of Emergency Services and Sierra Pacific Industries, participated in a full-scale hazmat exercise. The exercise simulated a large-scale ammonia release that required emergency response coordination between the County's Emergency Operations Center, the hazmat team, the Radio Amateur Civil Emergency Services (RACES), and Sierra Pacific Industries. The exercise included both site evacuation and shelter-in-place scenarios. The Plumas County Emergency Operating Plan and the Hazardous Materials Response Plan (area plan) were both used.
- 2. Consolidated Permits:** The CUPA's consolidated operating permit is outstanding. It contains all of the required elements, as well as, due dates for monitoring certifications, line leak detectors, spill bucket testing, secondary containment testing, cathodic protection testing, and tank liner testing. In addition, the permit identifies the designated operator and the designated operator's expiration date.